

REMARKS

This Response After Final is responsive to the June 1, 2005 Final Office Action. In that action: claims 1 and 2 were rejected under §103(a) as being unpatentable over Baxley, et al. (USPN 6,657,975); and claims 3-18 were rejected under §103(a) as being unpatentable over Baxley, et al., in view of Pester, III (USPN 5,475,732). Reconsideration of the rejections of the pending claims is hereby requested.

Regarding claim 1, as noted by the Examiner, Baxley fails to disclose a plurality of media gateways. The Examiner states that it would be obvious to those with skill in the art and that one would be "motivated to do so to scale the audio conferencing system of Baxley with expanding circuit and packet switched networks to adequately serve an expanded network." Applicant recognizes that official notice without specific support of documentary evidence is appropriate when a modification to the primary reference would make the invention "faster, cheaper, better, or stronger" (MPEP 2144.03), and recognizes that mere expansion may be similarly regarded. However, the modification of Baxley to implement a plurality of media gateways transcends mere expansion or improvement of already existing qualities.

Instead, the limitation in claim 1 of a plurality of media gateways establishes a new function or quality distinct from those disclosed in Baxley. Specifically, the "plurality of media gateways, each with its own point code," in the invention could be used to provide translation services between a packet network and a switched network on both ends of a telephone call and interface with SSPs that either originate or terminate a telephone call, for example. In other words, one media gateway could be used on one end of the packet network and another media gateway could be used on another end of the packet network.

Baxley discloses a media gateway to translate from a packet switched network 10 or a circuit switched network 20 to a conference system 100. However, the plurality of media gateways each with its own point code of the present invention, are distinct from those of Baxley, which can be duplicated in parallel to provide expanded network capacity. For example, the plurality of media gateways each with its own point code can provide conversion of voice information from a circuit switched network to a packet switched network and back into a circuit switched network (see Figure 1 of the application). As such, Applicant submits that the obviousness rejection of claim 1 is inappropriate because the modification of Baxley to include a plurality of media gateways each with its own point code would not be "capable of instant and unquestionable demonstration as being well-known" as required by MPEP 2144.03 for upholding an obviousness rejection without specific support of documentary evidence.

Further, even if, based on the disclosure of Baxley, the Examiner finds that the modification of a plurality of media gateways each with its own point code is "capable of instant and unquestionable demonstration as being well-known," Applicant submits that Baxley fails to provide that said media gateways are connectable to a switch, much less a switch providing signaling control to a plurality of media gateways each with its own point code controlling the processing of voice information. As such Baxley fails to disclose using the packet switched network for transmission of a call both originating in an SSP and terminating in an SSP, an aspect of the present invention that is inherent in claim 1 (see also, Figure 1). Rather Baxley only teaches calls originating either in a packet switched network from PE(n) 120 or in a circuit switched network from GSTN E(n) 30 and terminating in the conference system 100. Baxley fails to teach calls that originate and terminate in a circuit switched network, yet are routed intermediately through a packet switched network. As such, Baxley only teaches use of a media

gateway to provide translation of packet switched data to be compatible with the conference system 100 or a media gateway to provide translation of a circuit switched call to be compatible with the conference system 100. Therefore, even if the modification of a plurality of media gateways each with its own point code is found to be "capable of instant and unquestionable demonstration as being well-known" as required by MPEP 2144.03, Baxley still fails to disclose the proper configuration of gateways necessary to render claim 1 obvious.

Applicant submits that independent claim 1 is allowable for the above reasons. Applicant also submits that dependent claim 2 is allowable for the above reasons. Applicant further submits that claims 3-10 are allowable because Pester does not teach a plurality of media gateways each with its own point code. As such, Applicant submits that claims 1-10 are allowable because Baxley and Pester as well as any combination thereof fail to teach the limitation of independent claim 1 of a plurality of media gateways each with its own point code.

Regarding claims 11-18, Pester fails to teach a telephone call routed over the voice trunk to a point code associated with media gateway, much less a media gateway for providing voice-to-packet processing for transmission of voice information over a data network. Applicant submits that Baxley also fails to disclose a point code associated with a media gateway for providing voice-to-packet processing for transmission of voice information over a data network, as required by claim 11. Therefore, any combination of Pester and Baxley would fall short of disclosing all of the elements of either independent claim 11 or dependent claims 12-18, as Pester does not cure the deficiencies of Baxley. In this regard, any combination of Baxley with Pester fails to disclose all the elements of claim 11, due to the deficiencies of Baxley and Pester as referenced here.

Furthermore, Pester does not provide any suggestion to combine its teachings with those of Baxley, nor does Baxley provide suggestion to combine its teachings with those of Pester. Hence, Applicant submits that any such combination is inappropriate. Thus, even if one were to inappropriately combine the teachings of Baxley and Pester, one would not achieve the present invention. For all of these reasons, claims 11-18 are believed to be patentable.

Based upon the foregoing, Applicant believes that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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